G. R. S. 58]

Previous references.

19 1897

(ptg.)

File No. 3-97

Serial Nos. 1-2

Later references.

60

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2

Part B for Nov 97.

SUBJECT.

Memorial of Siddalingappa alias Bhujamallaiya sentenced to death.

Counterwarrant

Indexed

GPB—5,000—22-10-10

Prisoner Siddalingappa alias Bhujamallaiya

1. No. of case.

Criminal Case No. 11 of 1896-97

on the file of the ~~District Class~~ Magistrate of Hassan.

Hassan Sessions Case No. 10 of 1896-97, and Criminal Appeal Case No. 208 of 1896-97 on the file of the Chief Court

2. Court or Courts which tried it,

~~District Class~~ Magistrate's Court Hassan District and the Sessions Court of the Astagram Division.

3. Nature of sentence originally passed and confirmed or altered in appeal.

Sentenced to death by the Sessions Judge and confirmed in appeal by the Chief Court.

4. Date of sentence.

15th June 1897.

MATTER FOR COUNCIL.

—:o:—

SUBJECT.

Memorial of Sidda ~~Rebellion~~ Lingappa alias Bheja Mallaji under sentence of death, praying for remission of the sentence passed upon him.

Circulated to Councillors.

By order,

Mysore 28th Oct 1897 } A. Thumboo Chetty
Secretary.

Name	Date of receipt	Date when passed on
Rajadharma Pravina T. R. A. Thumboo Chetty, Esq., C.I.E. ...	7544	
P. N. Krishna Murti, Esq. C.I.E...	Rd 9.30 A.M. 21/10/97	22/10/97
Khan Bahadur Abdal Rahman, Esq.	22-10-97	22-10-97
The Secretary		

I have given this matter my most anxious consideration and also read the opinions of the 1st Councillors and the Dewan.

The facts of the case are not complicated or involved in doubt.

The accused a Jain was now living in concubinage with one Nilamma a Linga yet. The latter wished appear whom her worse d free in her life. She was addicted to eat meat & drink & before she joined the accused was living with one Kistnappa Naik whom she gave up when she wished to live with the accused — memorialist. There was no other bond of union between these two persons than the casual and sinful alliance brought about under the circumstances mentioned above. If the woman is blue believed it is the accused who "intro

deceased "ber to meant drink".

The deceased fell into their company while working as a coolly in the gardens where they were working and their fellow-ship developed into some intimacy when both the accused and the deceased persons were with others incarcerated in jail in connection with a kidnapping case - They were released and the deceased person was admitted as a boarder with the accused and Neelamma. They continued so associated for a few months when the accused began to entertain suspicions of intimacy between the deceased and Neelamma. There is some evidence to show that the accused complained of their conduct to others but when Ramma and Neelamma protested, the memorialist denied his having done so (Page 9. lines 7 to 10). The accused also states that he overheard the deceased & Neelamma conspiring to kill him; but of this there is no evidence.

Such being the previous history of the parties the circumstances which immediately attended the murder are these

described by the Prisoners

"Next morning at 4 a.m. we both started out. I asked Iruma to take his Ganja with him. Iruma asked me to take a Kankatti to cut jaill fruit. I told him to take it as well as a bag. Near Chitra halla Iruma sat down to prepare "Bangi Sobbu" while I went to wash my face. Then we both sat down by a clump of Bamboos. We sat together. He gave me his pipe while he lit a match - I drew it and gave it back to him - When he took the pipe he placed the Kankatti near him. I took the Kankatti, & hit him sideways across his head - He then jumped into the paddy field and fell down - He asked me why I hit him - I said the Next day you wanted to take me with cardamum Jamma to kill me, you have improper with his conduct towards my wife at Mavinhalli, & so being much provoked I dealt him four or five more blows, then life became extinct. I was under provocation".

He also added before the S. Judge " On the day on which I struck Iruma he beat me once by the name "Kadakatti"

and therefore struck him on provocation given by him."
For the reasons given, and which appear more fully in this last statement of a witness above by the deceased was disbelieved by the Chief Court.

Both the S. Judge & the Chief Court convicted the prisoner of murder & did not see reasons to withhold the sentence of death from him.

The prisoner has memorialised His Highness the Maharaja Regent. He denies the commission of the offence, says that the S. Judge did not record the whole of his statement and prays that he may be released.

The Chief Court has not forwarded the memorial and the question is how the prayer of the memorialist should be dealt with.

S. 302 of the I. P. Code provides for the alternative punishment of transportation for life — which the prisoner's sentence is now proposed to be commuted — and yet the Judges of the Chief Court did not pass that sentence probably

2)

because there were no reasons which they were bound to state, under Sec 367 of the Code of Criminal Procedure for not passing the sentence of death.

Secs 54 of the IP Code and 402 of the Cr. Procedure Code give the power to commute the sentence of death to one for transportation for life - and with these provisions very wisely leave it open what authority to form its own judgment of the time and circumstances which call for the exercise of that power. In the case now before Court there are no circumstances beyond the notice of Govt which were not before the Judicial courts; nor is the exercise of this power of Govt pleaded for by correcting or mitigating the effects of a judicial sentence on the ground that it was not within the power of the judicial courts to adjust its sentence to the requirements

of the case - The Courts could have awarded a sentence of transportation for life and their omission to do so cannot be regarded as arising from accident or mistake - The legitimate inference is that they regarded the facts of the case as calling for a sentence of death. If they were right the Govt ought not to interfere. If they were wrong Govt must base their act upon sufficient and unassailable reasons, which should be clearly and fully stated. The theoretical arguments on which ~~any~~ the punishment of death is condemned cannot be called to our help. The Govt expresses its intention, and declares its policy by means of legislature and statute laws & So long as the punishment of death remains as at present in the Penal Code I think the Govt will not escape the charge of inconsistency if it interferes with the proper exercise of the judicial functions by competent Courts. Having regard to

the requirement of Sec 367 of the Code of Criminal Procedure already referred to. I think our reasoning should be — not whether it is expedient to pass the sentence of death, but whether there are reasons for not passing it. It becomes our duty now to consider whether there are any such reasons which the judicial courts failed to consider. It cannot be conceded that in this case there are no considerations to influence our action other than those which it was within the competency of the judicial Courts to consider.

There is no pretence to plead that there was any provocation given to the accused by the deceased. Even for any resentment there were sufficient and reasonable grounds seem to be wanting. Neelamma had not been allied to him by any permanent bond of union. The prisoner himself states "I saw Jemma and my wife sleeping in one

and the same bed - Then I remained quiet - The next evening I told Jumma not to remain in my house - On that my wife began to quarrel with me I told both of us to leave the house" (Page 21 lines 5 to 8) - Neelamma was thus a free woman, and when suspicions of her intimacy with the deceased were entertained by and talked about by the accused it was she that resented & asked both the accused & the deceased to leave her house - Then it was the prisoner who asked the deceased to take his ganja with him - The deceased did not ~~exclude~~ object to him - The accused does not seem to have used it excessively - The attack was quite unprovoked. ~~The~~ calm & cold-blooded, and the murderer was probably actuated by a desire to get rid of the deceased who was interfering with him & Neelamma.

The deceased had not even a chance of defending himself - Where there was faith & dependence on the one side there was deceitful, deliberate, sudden & unprovoked attack on the other side - and so long as the punishment of death remains as a legal punishment in our Statute books the circumstances of such

3)

cases require its infliction by our courts, both as an example and as a deterrent. The only feature in this case in favour of the accused is his age which is given as 26, but this fact alone does not warrant me in arresting the due course of a judicial sentence which, I hope, will be proper and called for under the circumstances of the case. The prisoner is a man who is apparently dealing in serious criminal cases of kidnapping &c. The prisoner does not appear to have been impelled by any feelings of remorse & repentance - He does not ask for mercy - He boldly asserts that his conviction is illegal -, & that the S. Judge did not write down his statement, and asks to be released - All along the prisoner seems to have dreaded death - Even when he pleaded guilty he did not want the sentence of death to be passed upon him - In his opinion the punishment of death is a more dreadful and severe punishment than transportation for life - It is much to fear that our legislature wishes to be established as a deterrent and

in this case I would feel that
the sentence of death is ~~not~~ called
for, and in the absence
of a recommendation by the Jury
Court with ~~which~~ contrary I would hesitate to
lightly ~~decide~~ interfere with it.
My humble advice to Her Highness
is to reject this application which
calls into question the fitness of the
convict & is not actuated by
any feelings of remorse or repentance.

W. Williamson

23.10.97

(5) At the Council meeting of 23rd Oct 9)

Memorial of Sadamalla alias Bhuya Malla under sentence of death, praying for remission of the sentence passed upon him

Mr Abbott

Rahimam — Said "Don't be afraid."

Mr Th. Chettiar

thought it would be hard if we (Government) withheld C.S.

Ice cream

Mr. Krishnamurti abbreviated his opinion in minute of 23 Oct 9)

And the Devan passed X

(5)

At the meeting of
the Council on the 23rd Oct

(5) At the Council meeting of 23rd Oct 97

Memorial of Lida-malliah alias Bhuya Malliah under sentence of death, praying for remission of the sentence passed upon him

Mr Gibbon

Rahiman

Says "Don't interfere"

Mr Th. Chettur

thought it would be best to refer the matter to the Government

Recd

Mr. Krishnamurti attended & his opinion in minute of 23 Oct 97

And the Devan instructed

Notes by the Dewan and Councillors

(1) Mr Thumboo Chettyar's note.

dt 15 Oct 1897

The Memorialist was convicted on his own confession. The defence set up for the first time before the Sessions Court was provocation caused by deceased striking him in the first instance, and the onus of proving that there was sufficient provocation to bring the case within the exceptions to section 300, Indian Penal Code, rested on the accused. This he failed to prove. I think there are no extenuating circumstances to warrant

the exercise of the prerogative of mercy in this case. I would humbly advise the rejection of the memorial.

J.P. J. R. A. J.
15/10/97

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(2) Dewan's note. 20 Oct 97.

I do not question that the sentence of Death is quite Judicial. Is it required really is a point upon which I am somewhat doubtful. I am inclined to think it is not required as an example, and if not required for this purpose, the case is one for exercise of the prerogative of mercy (i.e. commutation of the Sentence of Death to Transportation

for life. In one sense the latter is quite as severe - if not more severe than - the former. There was of course no such "provocation" as the law or courts could take cognizance of; but there doubtless was good cause for the feeling, on the part of the accused towards the deceased, of grievous injury and perhaps also of resent-ment for ingratitude. The motive power of such a feeling varies much with tempera-ment; and evidently the ac-cused was really maddened by such feeling, and the

immediate previous use of Bhang probably heightened this madness. Sentence of "death" in such a case cannot possibly deter others from Similar Crimes under Similar circum - stances. It would on the other hand only serve to evoke Sympathy for the wretch in the popular mind. There is every chance of Jail life making him live to repent his crime. My recommendation is for mercy by commuting the Death Sentence to Trans. portation for life.

I/c K.S.

20/10/97

(3) Mr Thumboo Chettyar's note

Seen.

Jd J.R.A.J.
20/10/97

(4) Mr Krishna Murti's note 23 Oct 97

I have given this matter my most anxious considera-tion and also read the opin-ions of the 1st Councillor and the Dewan.

The facts of the case are not complicated or involved in doubt.

The accused, a Jain, was living in concubinage with one Nilamma, a Lingayet. The latter would appear to have been loose and free in her life. She was addicte

to eat meat and drink, and
before She joined the accused
was living with one Krishnappa
Naik whom She gave up
when She wished to live with
the accused - Memorialist.
There was no other bond of
union between these two per-
sons than the casual and fit-
ful alliance brought about
under the circumstances -
mentioned above. If the
woman is to be believed,
it is the accused who "intro-
duced" her to meat and drink"

The deceased fell into
their company while working
as a Cooly in the gardens

True enough - & possibly
was instigated the
inference of violent
& lasting jealousy -
Then the murder be-
comes quite intelligible

where they were working and their fellow-ship developed into some intimacy when both the accused and the deceased persons were with others incarcerated in Jail in connection with a kid-napping case. They were let off and the deceased person was then admitted as a boarder with the accused and Neelamma. They continued so associated for a few months when the accused began to entertain Suspicions of intimacy between the deceased and Neelamma. There is some

evidence to shew that the accused complained of their conduct to others but when Jimma and Neelamma protested, the memorialist denied his having done so (page 9. lines 7 to 10). The accused also states that he overheard the deceased and Neelamma conspiring to kill him, but of this there is no evidence.

Such being the previous history of the parties, the circumstances which immediately attended the murder are thus described by the prisoner.

" Next morning at 4 A. M. we both started out.

I asked Jumma to take his Ganja with him. Jumma asked me to take a Karkattu to cut Jack fruit. I told him to take it. as well as a bag. Near Chitrahalla Jumma sat down to prepare "Bangi Soppu" while I went to wash my face. Then we both sat down by a Clump of Bamboos. We sat together. He gave me his pipe while he lit a match. I drew it and gave it back to him. When he took the pipe he placed the Karkattu near him. I took the Karkattu and hit him sideways across his head

He then jumped into the paddy field and fell down. He asked me why I hit him. I said, the other day you wanted to take me to the Cardamum Jaime to kill me. You have proposed to this conduct Yourself with my wife at Nainhalli, and so being much provoked I dealt him four or five more blows, then life became extinct. I was under provocation".

He also added before the Sessions Judge " on the day on which I struck Jimma he beat me once by the same "Kadiakattu"

and therefore struck him on provocation given by him."

For the reasons given, and which appear to me to be sound this last Statement of a previous blow by the deceased was disbelieved by the Chief Court.

Both the Sessions Judge and the Chief Court convicted the prisoner of murder and did not see reasons to withhold the sentence of death from him.

The Prisoner has memorialised Her Highness the Maharani Regent. He denies the commission of the offence, urges

that the Sessions Judge did not record the whole of his Statement and prays that he may be released.

The Chief Court has not supported the memorial and the question is how should the prayer of the memorialist be dealt with.

And I wd. add what the Sovereign shd. do quite apart from any such prayer by us

Section 302 of the Indian Penal Code provides for the alternative punishment of transportation for life – to which the prisoner's sentence is now proposed to be commuted – and yet the Judges of the Chief Court did not pass that sentence probably because

There were no reasons which they were bound to State, under Section 367 of the Code of Criminal Procedure for not passing the Sentence of death.

Sections 54 of the Indian Penal Code and 402 of the Criminal Procedure Code give the power to Government to Commute the Sentence of death to one for transportation for life, and both these provisions very wisely leave it open to that authority to form its own judgment of the time and circumstances which call for the exercise of that power. In the

Case now before Government there are no circumstances brought to the notice of Government which were not before the Judicial Courts; nor is the exercise of this power of Government prayed for for the correcting or mitigating the effects of a judicial sentence on the ground that it was not with-in the power of the judicial Courts to adjust its sentence to the requirements of the case The Courts could have awarded a sentence of transportation for life and their omission to do so cannot be regarded

The Govts discretion is not fettered as the Courts is

as arising from accident
or mistake. The legitimate
inference is that they regarded
the facts of the case as calling
for a sentence of death. If
they were right, the Govern-
-ment ought not to interfere.
If they were wrong, Govern
-ment must base their act
upon sufficient and unassail
-able reasons which should
be clearly and fully stated.
The theoretical arguments
on which the punishment
of death is condemned cannot
be called to our help. The
Government expresses its
intention and declares its

No - The reasons
should never be stated
by

policy by means of ~~a~~legislature and Statute laws and so long as the punishment of death remains as at present in the Penal Code, I think the — Government will not escape the charge of inconsistency if it interferes with the proper exercise of the judicial functions by Competent Courts.

The same law gives the power & Govt to interfere

Having regard to the requirement of Section 367 of the Code of Criminal Procedure already referred to I think our reasoning should be — not whether it is expedient to pass the sentence of death, but whether there are reasons

not binding upon the Govt

for not passing it. It becomes our duty now to con - sider whether there are any such reasons which the Judicial Courts failed to Consider. It cannot but be Conceded that there are in this case no considerations to influence our action other than those which it was within the competency of the Judicial Courts to. Consider.

We are bound to Consider more than the Courts Can by

There is no pretence to plead that there was any provocation given to the accused by the deceased. Even for any resentment Sufficient and reasonable

grounds seem to be wanting. Neelamma had not been allied to him by any permanent bond of union. The prisoner himself states "I saw Jimma and my wife sleeping in one and the same bed. Then I remained quiet. The next evening I told Jimma not to remain in my house. On that my wife began to quarrel with me. She told both of us to leave the house" (page 21, lines 50 to). Neelamma was thus a free woman and when suspicions of her intimacy with the deceased were entertained and talked about by

Then the Theory of insanity alone remains by

the accused it was she that resented and asked both the accused and the deceased to leave her house. Then it was the prisoner who asked the deceased to take his ganja with him. The deceased did not offer it to him. The accused does not seem to have used it excessively. The attack was quite unprovoked, calm and cold-blooded, and the murder was probably actuated by a desire to get rid of the deceased who was interfering with him and reclaiming. The deceased had not even

He did. This was apparently Chums. by

Absolutely unprovoked by

a chance of defending himself.
Where there was faith and
dependence on the one side
there was deceitful, deliberate,
sudden and unprovoked
attack on the other side,
and so long as the punish-
ment of death remains as a
legal punishment in our
Statute books the circumstances
of such cases require its
infliction by our Courts,
both as an example and as
a deterrent. The only feature
in this case in favour of the
accused is his age which is
given as 26, but this cir-
cumstance alone does not

warrant me in arresting
the due course of a Judicial
Sentence which appears to
be proper and called for
under the circumstances of
the case. The prisoner is
one who is apparently dealing
in Serious Criminal cases of
kidnapping &c. The prisoner
does not seem to have been
impelled by any feelings of
remorse and repentence. He
does not ask for mercy. He
boldly asserts that his convic-
tion is illegal -, and that
the Sessions Judge did not
write down his statement
and asks to be released.

This is unfair
to the poor
wretch — I
object to it

All along the prisoner seems to have dreaded death. Even when he pleaded guilty he did not want the sentence of death to be passed upon him. In his opinion, the punishment of death is a more dreadful and severe punishment than transportation for life. It is such fear that our legislature wishes to be established as a deterrent and in this case I feel that the sentence of death is called for and in the absence of a recommendation by the Chief Court to the contrary I would hesitate to lightly

This could be usually be expected

interfere with it. My humble advice to Her Highness is to reject this application which calls into question the justness of the conviction and is not actuated by any feelings of remorse or repentance.

J. P. N. K. 23/10/97

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(5) Devan's note D 23 Oct 1897

At the Council Meeting of 23rd October 1897, Mr Abdul Rahman said "dont interfere", and Mr Shumboo Chetty ~~Mr~~ thought it would be bad precedent if we commuted without Chief Court's recommendation. Mr Krishna murti

adhered to his opinions in minute of 23rd October 1897.

And the Dewan proposed to submit the matter for the final orders of Her Highness the Maharani Regent.

J.P. K.S.

23/10/97

Rec'd & submitted to Her Highness on 6th Nov 97.

Her Highness orders passed 13 Nov 97

Memo: regarding a matter submitted for the final orders of Her Highness the Maharani Regent under Rule 5 of the Rules of Business:

The memorialist Siddalingappa alias Bhujangallaiya has been sentenced to Death upon Conviction of the offence of Murder under S. 302 of the Indian Penal Code.

I consider the case a very fit one for the exercise of the prerogative of Mercy by the Commutation of the Death Sentence to one for Transportation for life - All the three Councillors however differ from me - I append to this note a Copy of the various Opinions of the Councillors & Mysore

I have very little to add to what I stated in my note of the 20th Oct. But I must make a few observation

On the appended Copy of this note I have made a few marginal remarks. by

Upon Mr Kristnaswamy's note which Contain remarks which are not relevant to the Case in the present Stage of it — Mr Krishnaswamy quite misses to realize the nature of the "prerogative of mercy" and takes up the erroneous position that the Sovereign in exercising it is bound to Consider — as a Court is bound by S. 367 of the Cr. P. Code — whether there are any reasons for not passing the Sentence of Death — The Sovereign's discretion is absolute & is not fettered in any way It is the duty of the Sovereign & of the Govt as representative of the Sovereign — to Consider whether the Death Sentence

to prison and expedient from every possible point of view: No reason for a Commutation need or should be recorded. This is a wise rule of practice we have adopted at the suggestion of Mr. Justice Pluman many years ago and we shd. continue to follow it.

On the merits of the Case I may add that I don't recommend the Conviction for murder to be reversed but my recom. is for the lesser of the two punishments which the Law provides.

I don't say that there was provocation sufficient to bring the Case under one of the Exceptions, for

if there was such provocation the offence wd not be "murder" & the conviction for it could not stand.

It is probable that there was intimacy between the deceased & Nilamma & that the Prisoner connived at it; as Mr Kirton admits apparently suggests — Accepting this view, which I think is fairly founded, all motive for the murder disappears. The offence then becomes utterly purposeless & can be accounted for only on the theory of temporary insanity, Ganja creates homicidal tendencies in people who are new to its use and it is evident that the Pris.r & the deceased were great chums who probably shared the affections of Nilamma. The Prisoner's allegation of jealousy & provocation was of course ill advised. One of insanity Mr Kane got him off most probably.

After all there is only the mans Confession & it is not safe to hang a man upon it, without considering it as a whole.

"murderous impulse arising from insanity induced by ganja" to be a reasonable condition to frame issue upon. The "insanity" must be such as to render the person incapable of knowing what he was doing & of knowing that what he was doing was wrong. Vide Hamilton's Criminal Law

If we take it as a whole there
Comes the plea of provocation
which though not sufft: to
~~take~~ take the Case out of.
The Category of murder
is ample to make it
our duty to give So young a man
a chance of repenting his.
Deed under a Sentence of Transpt for life—

4 Nov 1897 K Richards Jr

Her Highness the Maharanee Regent passed the following order in the Case submitted by the Queen with his Memo dt. 4th Inst. under Sec. 5 of the Rules of Business of the Council.

The facts on record do not constitute this a case for the exercise of the Prerogative of Mercy. — Nor do they call for any sympathy for the accused who, in the words of the Chief Judge was actuated by a "motive which led him to attack & kill the deceased."

But the great delay which has occurred first in dealing with the appeal to the Chief Court, dt. 18 June and returned with the Memorial to Her dt. 6th Sept. Highness, and the consequent suspense as to his fate which has been undergone by the unfortunate Convict, has made a deep impression upon Her Highness; and on this ground alone the feels constrained to commute the Memorialist's life, and to commute

the Sentence of death into one of Transportation
for life -

Smyrna
13th Nov
1847

Thos Campbell Clk
Pro Lieut

Issue the usual order
of Convn — It needs
only state that H H
the Mahrattan Regent
has been pleased to
Commd &c

17/11/97

Sealed

In the Matter of a Memorial from Siddalingappa alias Bhuja mallia Prisoner in Harsoor Sessions case No 10 of 1896-97 and appellant in Criminal appeal No 208 of 1896-97 on the file of the Chief Court, praying for remission of the Sentence of death passed upon him by the Sessions Judge of the Astagram Div^n & confirmed by the Chief Court of Mysore.

~~Her Highness the Maharani-Regent~~

~~has been pleased to pass the following~~

Order.

Her Highness the Maharani Regent has been pleased to direct that the Sentence of death passed upon the Memorialist—Siddalingappa alias Bhuja Mallia be commuted to one of transportation for life.

The 23^d. November 1897.

B P Thumboo Chetty
For Dewan.

C Hill R & J.M

2513

1897-98

OFFICE OF THE
3191
13.

4711

From The Registrar of the Supreme Court, Jaffna

To The Secretary to the Govt. of Ceylon Pub. & Genl. Dept.

Dated 11th Oct 97

Despt. 12 — 2464 Jaffna

13 — 63

Forwards Memorial addressed to His Highness the Maha Nai Regent by Siddalingappa alias Bhuja Mallah, accused in Jaffna Supreme case No. 10 of 1896-97 —

J 17/10/97

Subd to the Secy

15/10

Subd to Govr & C

15-10-97

(1)

7493

The memorialist was convicted on his own confession. The defence set up in the first instance was provocation caused by deceased striking him on the first instance

and the cause of provocation. There was sufficient provocation to bring the case within the exceptions but 300 Rupees rested on the accused — The learned Judge found otherwise — I think there are no extenuating circumstances warrant the exercise of the prerogative of mercy in this case. I would therefore advise the rejection of the Memorial.

15 10 97

(2)

I do not question that the Sentence of Death is quite judicial. But it required really is a point upon which I am somewhat doubtful. I am inclined to think it is not required as an Example; and if not required for this purpose, the Case is one for exercise of the prerogative of Mercy by Commutation of the Sentence of Death to Transportation for life. In one sense the latter is quite as Severe — if not more Severe than — the former — There was of Course no such

YPTO

"provocation" as the Law or Courts
Constitute Cognizance of — but
there doubtless was Good Cause for
the feeling on the part of the accused towards the deceased,
resentment for ingratitude — The motive
power of such a feeling varies much
with temperament — And (Evidently
the accused was Really maddened
by such feelings, and the use of Bhang
probably heightened this madness.

Sentence 2 "Death" in such a case cannot possibly
deter others from Similar Crimes under
Similar Circs. It would on the other hand
be a cruelty & excite sympathy in the popular mind — There is every chance
of Said life making him live to repent his crime
My recommendation is for Mercy by Commuting the
Death Sentence to Transportation for life.

20/10/97

Concur

(Nicole Eckroyd)
20/10/97 (2)

20

1. Criminal Appeal No. 208 and Reference Case No. 4 of 1896-97 on the file of the Chief Court.
1. Kapam Sepoy's Case No. 10 of 1896-97 on the file of the Assistant Superintendent Kapam.

No. 2474 / 63 Jm: 3

GOVERNMENT OF MYSORE

Bangalore 11 October 1897.

From,

The Registrar of the
Chief Court of Mysore.

To,

The Secretary to the
Government of Mysore.
Revenue and General Departments
Bangalore.

Sir,

I am directed to forward the accompanying memorial addressed to Her Highness the Maharani - Regent by Siddalingappa alias Bhuja Mallia accused in Kapam Sepoy's case No. 10 of 1896-97, and appellant in Criminal Appeal No: 208 of 1896-97 on the file of this Court.

2. An English translation of the memorial and the marginally noted records are forwarded and it is requested

requested that the records may be obligingly returned when no longer required.

I have the honor to be,

Sir,

Your most Obedient Servant,

(Rear Admiral)

C.B. Registrar

ಸಹಿ ಮಾಡಿದ ಮತ್ತು ಒಪ್ಪಿಕೊಂಡ

Signed before me

Superintendent
Municipal

To

Her Highness the Maharanee Regent
Mysore

The humble memorial of Siddalingappa alias Bhujamallah

I am a native of Lakshmisara in Dharwar Taluk. I was residing in Hathigay village in the Manjarabad Taluk for the past 4 or 5 months. The Police took me from my house saying that the Police Inspector wanted me. He asked me as to who the murderer was. I told him that I did not know anything about the matter. He told me to stay there and in the evening sent me to the Lockup, where they kept me for 4 or 5 days without giving me food. They then set up a case of murder citing my enemies to falsely depose against me before the Sessions Judge, who convicted me of the offence of murder and sentenced me to be hanged. This sentence has subsequently been confirmed by the Chief Court in appeal. The deceased was a thief and had

undergone sentences of im-
-prisonment on two or three
occasions. It is not known
where he had gone to commit
theft and who murdered him.
I am residing at the distance
of two miles from the place of
murder. The Sessions Judge did not record
my statement. I most humbly
and respectfully pray that
Her Highness the Maharanee
Regent will be pleased to send
for & peruse the records of
the case and to release me.
Sd. Lilalulappa alias
Bhimamallappa.

Translation

In the Chief Court of Mysore at Bangalore.

Friday the 6th day of August 1897.

Present:-

Mr. Justice J. W. Best, Chief Judge.

and

Mr. Justice C. Seeniacharya, Judge.

Petition of Criminal Appeal No. 208 of 1896-97. Referred Case No. 40 of 1896-97 against the conviction and Sentence by the Sessions Judge of Ashtagram Division under Section 302 of the Indian Penal Code, in Hassan Sessions Case No. 10 of 1896-97.	Appellant. Siddalingappa alias Bhujanga Mallaya (accused).

Judgment.

The accused and (appellant) Siddalingaya, alias Bhuja Mallaya, has been found guilty on his own plea of the murder of one Thimma and sentenced to death subject to confirmation of the sentence by this Court.

The Judge's note on the 1st page of the printed papers that the accused pleads

"... According to the statements made by him before Mr. Bowring and the Commissioner Magistrate, there was no immediate provocation by the deceased, nor was there even a quarrel between him and the appellant. They had gone together to bring paddy, and sat down to smoke. The deceased prepared ganja, lighted the pipe, and gave it to appellant, who took a puff at it, and then returned it to the deceased who, thereupon, put down a chopper he had with him. Appellant took up this chopper and struck deceased with it, and, on being asked by the deceased why he did so appellant replied 'I brought you to my house and fed you, but you wanted to take away my wife and keep her. The day before yesterday you took me to Gelikagamalige and wanted to kill me. You beat me in collusion and tried to deceive me.' So saying he answered I gave him 4 or 5 blows, saying 'you have lost my honour.' The blow fell on the shoulder. His life was gone thereby."

Appellant

"Appellant has, in the earlier part of his statements before the Magistrate, described how he had found the wife or sister-in-law Nakamura and the deceased lying together, and had also heard the deceased tell Nakamura to come, and live with him and to get rid of appellant "doing something to destroy him" if necessary

The above mentioned previous misconduct of the deceased was, according to the appellants statements both before Mr Bowring and the committing Magistrate the motive which led him to attack and kill the deceased - and not any provocation given at the time. Had there been any provocation at the time, as now alleged, there is no reason why mention of it should not have been made in the above statements. The explanation that it was due to forgetfulness is like the alleged provocation itself, clearly an after thought.

There is no reason to doubt the

propriety

propriety of the conviction of appellant of murder and his own statements before the Sub Divisional and Committing Magistrates (which appear to be true) disclose no grounds for mitigating the sentence which is, therefore, confirmed, and this appeal dismissed.

A true Copy

Registrar.

Copy applied for through Superintendent Mysore Jail
received on 1-9-97
Ds ready 2-9-97.
Despatched. 2-9-97

Registrar

Facing sheet.

IN THE CHIEF COURT OF MYSORE
AT BANGALORE.

Criminal Appeal No. 208 of 1896-97 and

Criminal Referred Case No. 4 of 1896-97.

Siddalingappa *alias* Bhujamallaiya } Appellant.

By Mr. J. Evers Esquire.

Vs.

The Government of Mysore—

By the Government Advocate
in Mysore.

28-12

Instituted 23-6-97.

Decided

To be heard on 30th July 1897.

IN THE COURT OF SESSIONS FOR THE ASHTAGRAM DIVISION.

Sitting at Hassan.

The 14th day of June 1897.

Sessions No. 10 of 1896-97.

Prosecutor.	*Versus.*	Accused.
The Govt. of Mysore.		Siddalingappa *alias* Bhujamallaiya.

Abstract of charge.—Murder under Section 302 of the I. P. C.

Plea.—Guilty.

Names of Jurors or Assessors.

14th June 1897.

The accused is brought before the Court. He pleads guilty, but says that a sentence of death should not be passed upon him as he committed the offence on provocation.

The Court will take time to consider the sentence to be passed upon the accused, and he will be brought before the Court to-morrow.

B. T.

15th June 1897.

Judgment passed sentencing the accused to death.

B. T.

IN THE COURT OF THE DISTRICT MAGISTRATE OF HASSAN.

Complainant.	*Versus.*	Accused.
Government.		Siddalingappa *alias* Bhujamallaiya.

I, Mr. B. G. Krishnaiengar, District Magistrate of Hassan, hereby charge you Siddalingappa *alias* Bhujamallaiya as follows:—

That you on or about the 16th day of May 1897 at a field called Muvathukolagadagadde belonging to Agalahatti village did commit culpable homicide amounting to murder by causing the death of one Timma by doing an act with the intention of causing the death of a woman being, *viz.* the said Timma, and thereby committed an offence punishable under Section 302 of the Indian Penal Code, and within cognizance of the Court of Sessions.

And I hereby direct that you be tried by the Court of Session on the said charge.

Dated the day of May 1897.

B. G. KRISHNAIENGAR,
District Magistrate.

IN THE COURT OF SESSIONS, ASHTAGRAM DIVISION.

Dated the 15th day of June 1897.

PRESENT—B. TIRUMALACHAR, ESQ., B.L., SESSIONS JUDGE.

Hassan Session Case No. 10 of 1896-97

Complainant.	*Versus.*	Accused.
The Mysore Government.		Siddalingappa *alias* Bhujamallaiya.

Offence.—Murder under Section 302 of the I. P. C.

Finding of the Judge.—Guilty.

Sentence.—Accused was sentenced to be hanged by the neck till he is dead subject to confirmation by the Chief Court.

The facts of the case are contained in the confessions which the accused has made both before the Committing Magistrate and before Mr. Bowring, the Sub-District Magistrate at Saklespur. The following is a translation of his confession before the Committing Magistrate, and Mr. Bowring has placed on record a translation in English of the confession made before him by the accused in the Kanarese language.

"I left Hubhalli eight years ago. I lived for six years at Nittur in Gubbi taluk and lived for two years at Halegorur. In last *Bhadrapada* I contracted a friendship with Nilamma, prosecution 1st witness. On Tuesday, the 30th of *Bhadrapada bhavula*, I brought Nilamma from Karagodu Appannagauda's garden to Gorur. Formerly, she was in the keeping of one Arsakrishna, and I heard that he had deserted her five or six months before. I lived at Gorur for one or one and a half months. During that time I came to know all about her. I brought her father also. I learnt that she was in the habit of eating flesh and drinking, but people said the contrary. On the 2nd or 3rd of *Aswija-sudha* I took her to Nittur where my parents and father-in-law abused me for my having associated with her. Nili assured me that she would protect me. We then arrived at Gorur where her father died. On account of the cholera prevailing in that village, we both went to Hadige where I worked in Venkata-challaiya's garden. One Basavanahalli Timma was working on the Hadige, Atchahalli and other estates. On the 14th or 15th of March we both became friends. On the 18th idem, Timma, Akkamma, Nili and myself went to Magge "Sante." Four days afterwards, on a Saturday, we returned to our village after finishing our work. I remained at home on Sunday, and we all worked in Venkatachallaiya's garden from Monday to Wednesday. On the 28th idem Khasim Sab, Timma, Akkamma, Nili and myself went to Gonibidu "Sante," and after finishing our work, we came to Yannehalla, where we saw Malla and his wife Sakani who were in the house of Royar Gundappa of Gonibid Agrahara. We all had proceeded thence about four fathoms when Sitaramaiya, Ramanna, Gundappa and four Holeyars came there and took us to Gonibid, accusing us saying that we were taking away Malla and his wife. The Police dafadar got a Mahazar written and sent us to Mudgere, where Khasim Sab, Timma and myself were sentenced to suffer rigorous imprison-ment, but we were acquitted on appeal by the Deputy Commissioner of Basava-nahalli. Akkamma and Nili were discharged in the Amildar's Court. Then we three returned to Hadige. From that time Timma was taking his food in my house. He was paying me monthly a rupee for condiments and also one kotna of paddy. Timma, Nili and myself were working in Venkatachallaiya's garden. Twenty days afterwards I told Timma not to remain in my house as he was much addicted to eating flesh and drinking and smoking ganja. He said that he would engage another house within seven or eight days. I kept quiet. Four or five days afterwards I had a demand for court costs at Basavana-halli. I sent Timma and my wife Nili with a letter to Karagod Appannagauda. They returned three or four days afterwards. I entertained suspicions regarding their conduct. The drinking and eating of Timma increased. I strictly warned him not to remain in my house. He replied that he would not go until and unless he was paid his wages. I replied that I owed him nothing and that he should not

remain in my house any longer. Muhammad Khan and Akkamma advised me not to quarrel with him unless I saw something with my own eyes. I then remained quiet. Eight days afterwards there was a betrothal ceremony in Hayath Sab's house. I went there at about 9 P.M. and I was detained there for some time. I returned home and found Timma and my wife seated on one bed and talking together. Having seen this, I came back to Hayath Sab's house; and when I returned home again at 10 or 10½ P.M., I found Timma and my wife lying on the same bed, and I remained quiet. Next day we all returned home after finishing our work. At 6 or 7 P.M. I again told Timma not to remain in my house. Then my wife quarreled with me and told both of us to leave the house. I kept quiet thinking that they were in collusion. About a month ago we three went to work at Mavinahalli garden after taking Rs. 4 each as advance. On Sunday, the 2nd May, at about 1 or 2 P.M., I had been to Venkatachalaiya's "Bangalo" to get my wages. On my return home I heard Timma say to my wife to go with him to Mavinahalli and to drive me out, or, if that was not possible, to kill me by some means or other. I kept quiet thinking that they might deceive me one day or other. On Friday, 14th idem, at about 5 or 5½ P. M, Timma asked me to go with him to fetch firewood. I accompanied him. He was going in advance. He had something under his arm but I did not see it. When he had gone (4) four fathoms in advance of me I saw a "Kadakuthi" under his arm. Fearing that he might cause me some harm I returned home. On Saturday, the 15th idem, we three worked in Mavinahalli and returned home at 5½ or 6 P. M. About half or one hour afterwards Timma asked me to go with him to bring paddy from Mavinahalli. I agreed. Next morning at 4 A.M. we both started and I asked Timma to take ganja with him. Timma asked me to take a "Kadakathi" to bring jack fruits. I told him to take it himself. He took a "Kadakathi" and also a bag. I asked him how much money he had and he replied that he had two annas. I said I had brought a rupee. Timma then said "let us discharge the old debt and contract a fresh one." All along he was bringing paddy. On our way we passed Bykala's house and Venkatachalaiya's garden, and after crossing "Ragikana" we reached "Chittanahalla." Timma sat down there to prepare "Bhangisoppu" (ganja) while I went to wash my face. After washing our faces we both sat down by a clump of bamboo trees. Timma gave me his pipe filled with bhangi (ganja) and tobacco and he lit match. I smoked the pipe and gave it back to him. When he took the pipe he placed the "Kadakathi" near him. I took it and struck him a blow with it. He jumped up and fell down in a wet land. He asked me why I struck him. I replied as follows:—

"I brought and fed you in my house. You induced my wife to leave me and to live with you in Mavinahalli garden. The day before yesterday you tried to take me into cardamom jungle and kill me there, and you both having conspired together have disgraced me and I suspected that you would defraud me."

Overpowered with anger I beat him four or five times. One blow fell on his shoulder. He died instantly. Then I removed the corpse to the place where it was afterwards seen lying. Then I went to the "Halla," washed my hands and feet and was standing on its bank, when a Revenue peon was going from Mavinahalli towards Madanapura. He asked me to what village I belonged. I said "Heradigepatte." He then went away. I placed Timma's clothes in the bamboo clump and hid the "Kadakathi" in the mud of the Mavinahalli paddy field and then returned home. I stayed at home the whole of that day. On Monday I took the "Kadakathi" and sharpened it and went to work in the garden. Dafadar Hassan Sab asked me to fill baskets with manure for being carried by female coolies. I was doing so when Hassan Sab took the "Kadakathi" from me saying that other servants were in want of it. It is the same now before the court, and with it I killed Timma, as I lost my caste and honor on account of Nili and Timma. I beat him in anger. The court may inflict any punishment which it thinks proper. I have heard the statement now read over to me. I made it before Mr. Bowring the Assistant Commissioner and 2nd Class Magistrate, Manjarabad.

The following is a copy of the English version of the confession which the accused made before Mr. Bowring.

"Statement of Siddalingappa, son of Rayappa, age 26, caste Jain, of Lakshmeswara village, Hubli taluk, Dharwar district, cooly and glass bangle maker."

Do you wish to make any statement? I will tell everything.

What have you got to say?

I left Lakshmeswara eight years ago and went to Nittur in Tumkur district, then I went to Halegorur of Hassan district. I lived there for two years and left the place 5 or 6 months ago and went to Hadige in Manjarabad to find employment. One Krishna had kept the woman Nili whom I now keep at Gorur. I fell in love with her in the month of *Bhadrapada*, we both came to Handige 5 or 6 months ago. I worked in Venkatachalaiya's tota there. One Basavanhalli Timma was working as a cooly both in the Aschordi and Handige estates. We became friends in the month of January last. I owed money to a Lubbay in Magge sante, and I, Timma, Nilamma and Akkamma went there to pay him about 10 or 12 days after I became acquainted with Timma. We returned in 4 or 5 days to Hadige. We four worked for 4 or 5 days in Venkatachaliya's "Tota." On Thursday 28th January I, Timma, Nilamma, Akkamma and Khasim sab went to Gonibidu sante. On our return we came to a stream called Yennehalla a little way from Gonibidu Agrahar. When we got there Kadur Sitaramaiya and Shamanna and Gundappa and some holeyars came to us and took us to Gonibidu and from thence to Mudgere on the pretext that we were taking away Malla and his wife Sagani from their village. In the Amildar's Court I, Timma and Khasim Sab were sentenced to two months' rigorous imprisonment. Akkamma and Nilamma were acquitted. Muhammad Ali a vakil appealed for us in the District Magistrate's Court. We got off on appeal on the 5th or 6th April. The three of us returned to Hadige. After our return Timma took his food in my house. He gave monthly for his expenses one "Kotna" of paddy and one rupee. We three worked in Venkatachalum's "Tota." Afteabout twenty days I advised Timma to take another house. He required eight days' time. In the meantime I had a demand for the amount due for court expenr ses in Kadur from the vakil. I sent Timma and my wife Nilamma to get money from Karagod Appannagauda as I worked originally in his "tota." After three or four days they returned. After noticing their behaviour for four or five days I had suspicion as to their conduct. I told Timma not to remain in the house. He asked why. I said you drink too much and you take ganja therefore you must not remain. He said he would not leave the house until I paid him the amount I owed him. Akamma and Muhammad Khan advised me not to quarrel unless I saw something. I remained quiet. Eight days afterwards there was a betrothal in Hyath Sab's house. I went there about 9 P.M. I returned about 10 P.M. and found Timma and my wife Nilamma both lying down on the same bed. I remained quiet. Next evening I again told Timma not to remain in my house. Then my wife quarreled with me and asked us both to leave the house. Twenty days ago I, my wife and Timma each took an advance from Dafadar Hasan Sab of Mavinhalli "Tota" and went to work there, seventeen days ago, on Sunday, I went to Venkatachellum's bangalo to get my back pay: it was about 1 P.M. On my return I heard Timma asking my wife to come away to Mavinhalli. I heard them propose to kill me. I kept quiet. Twelve days ago on a Friday Timma asked me to go with him to fetch firewood. I went with him. I saw that he had a "Karkathi" under his arm. I asked him why he was going towards a cardamom plantation at that time; it was about 5 P.M. On seeing the "Karkathi" I returned home. On the Saturday following I, my wife and Timma returned home from our work at Mavinhalli. Timma asked me to go and fetch paddy next morning. I agreed. Next morning at 4 A.M. we both started out. I asked Timma to take his ganja with him. Timma asked me to take a "Karkathi" to cut jack fruit. I told him to take it. He took it as well as a bag. On our way we passed Bykalla's house and Venkatachellum's "Tota." Near Chittenhalla, Timma sat down to prepare "Bangi soppu" while I went to wash my face. Then we both sat down by a clump of bamboos. We sat together. He gave me his pipe while he lit a match. I drew at it and gave it back to him. When he took the pipe he placed the "Karkathi" near him. I took the "Karkathi" and hit him side-ways across his head. He then jumped into the paddy field and

fell down. He asked me why I hit him. I said, the other day you wanted to take me to the Cardamom Tainne to kill me, you have proposed to this conduct yourself with my wife at Mavinahalli, and so being much provoked I dealt him four or five more blows; then life became extinct. I was under provocation. Then I dragged the corpse to the place where it was afterwards found, on the top of the halla, it was about 6-30 or 7 P.M. Shortly after, I saw a Revenue peon coming up the halla, also some one on horse-back and two others. The peon asked what village I came from. I said Hardige estate. He went on. Timma's clothes I put in the bamboo clump. I showed them the other day to the police. I went home. I hid the "karkathi" in the mud of the paddy field. I stayed at home the whole day. On Monday on my way to work I took the "karkathi," sharpened it, and went away. Hasan Sab asked me to carry manure to the trees in the tota. Hassan Sab took the "karkathi" to cut branches of trees. I gave it to him and did not bring it back. It was Timma's "karkathi." I killed him under great provocation, because I lost my caste and my honor through her. I killed Timma with the "karkathi." This I bring to the notice of the Court. Are you aware that this confession will be used against you at your trial. I know that this confession will be used against me at my trial.

Before this Court the accused stated as follows:—

"I have heard the charge now read over to me. I committed the offence therein mentioned. I have heard confessional statements marked A and B now read over to me. I made them before the Committing Magistrate and Mr. Bowring, Sub-Division Magistrate, Saklespur, respectively."

On being asked why a sentence of death should not be passed upon him, the accused stated as follows:—

"On the day on which I struck Timma he beat me once by the same "kadakathi" and therefore I struck him on provocation given by him. Through forgetfulness, I did not depose this fact either before the Committing Magistrate or before Mr. Bowring. The court should not pass upon me a sentence of death."

On the charge being read out and explained to the accused he pleaded guilty. He also admitted the confessions which he had made first before Mr. Bowring, the Sub-Divisional Magistrate at Saklespur, and then before the District Magistrate at Hassan. Upon his own plea, I convict him of the offence charged. On being asked why a sentence of death should not be passed upon him, he stated that the deceased Timma struck him with a "karkathi," and that therefore he in return struck him with the same weapon and caused his death; and he added that he did not say so either before Mr. Bowring, or before the District Magistrate, through forgetfulness. I do not think that the statement he now makes, after admitting the confessions above referred to and after pleading guilty of the offence charged and only after he was asked to say why a sentence of death should not be passed upon him, is true. The facts stated by the accused in his confessions show that the murder of Timma was committed by the accused deliberately and not in hot blood on any provocation given to him by the deceased. I see no extenuating circumstances in favor of the accused to justify me in awarding to him any punishment less than the extreme penalty of the law.

Finding and sentence in court on the accused's own plea of guilty convicts him of the offence specified in the charge, namely, that he committed the offence of murder punishable under Section 302 of the Indian Penal Code, and the court directs that the accused Siddalingappa *alias* Bhujamallaiya be sentenced to be hanged by the neck till he is dead, the sentence being subject to confirmation by the Chief Court.

15-6-97. B. TIRUMALACHARY.

Warrant No. 30 of 1896-97.

WARRANT OF COMMITMENT UNDER SENTENCE OF DEATH.

Hassan Sessions Case No. 10 of 1896-97.

To the Superintendent of the Jail at Mysore.

Whereas at the Sessions held before me on the 15th (fifteenth) day of June 1897. Siddalingappa *alias* Bhujamallaiya of Hadige, Manzarabad taluk. Prisoner in Hassan Sessions Case No. 10 of the calendar at the said Session was duly convicted of the offence of culpable homicide amounting to murder under Section 302 of the Penal Code and sentenced to suffer death subject to the confirmation of the said sentence by the Chief Court of Mysore.

This is to authorize and require you the said Superintendent of the Mysore Jail to receive the said Siddalingappa *alias* Bhujamallaiya into your custody in the said jail together with this warrant and him there safely keep until you shall receive the further warrant or order of this Court carrying into effect the order of the said Chief Court of Mysore.

Given under my hand and the seal of the Court this 15th (fifteenth) day of June 1897.

B. T.,
Sessions Judge.

IN THE COURT OF THE DISTRICT MAGISTRATE OF HASSAN.

Dated the day of May 1897.

Complainant.	*Versus.*	Accused.
Government.		Sidlingappa *alias* Bhujamallaiya.

Charge sheet No. 520 of 1896-97 has been placed before this Court by the Police of the Manjarabad taluk charging the accused with murder under Section 302 of the Indian Penal Code.

Thirteen witnesses have been examined, for prosecution and following exhibits put in evidence—

1. Chintz coat.
2. Red handkerchief.
3. Black cap.
4. White towel.
5. White panche (silk edged.)
6. Kadakatti.
7. Gunny bag.
8. Tati made of copper.

A. Agalahatti patel's report, dated 16th May 1897.

B. Inquest report submitted by the Police.

C. Mahazar, dated 22nd May 1897.

D. Statement of confession made by the accused before the Assistant Commissioner and 2nd Class Magistrate, Manjarabad.

The accused's statement was recorded and further proceedings adjourned till tomorrow the accused being in the meantime ordered to be sent to the District Lock-up.

28-5-97

B. G. KRISHNAIENGAR,
District Judge.

Case No. 11 of 1896-97.

Deposition of Nilamma, 1st witness for prosecution.

Age—28 years.

Race } Hindu Lingayat.
Religion }

Father's name—Virabhadraiya.

Resident of—Hadige.

Occupation—Cooly,—Solemnly affirmed.

My native place is near Chikmagalur. My father Virabhadraiya came away from there when I was very young and resided at Gorur in the Hassan taluk till about six months ago. Sometime before that I and my father were working in Karagod Appannagauda's estate Dyavarabetta. When cholera raged at Gorur some six months ago my father fell a victim to the disease. When I was working in Appannagauda's estate my father brought accused who called himself Sidlingappa and asked me to give him water and food. I questioned my father who he was and he said it did not commence to know his identity. The accused brought us to Gorur promising to support me and my father. I was kept by him as his concubine. After my father's death I accompanied him to Hadige where we worked as coolies in coffee estates. We there became acquainted with Timma. Timma then came to live with me and the accused. I cooked meals for Timma as directed by the accused. Shortly before this the accused, Timma and one Khasim Sab were convicted of kidnapping a girl at Mudegere. An appeal was made at Chikmagalur and they were released. My jewels had been pledged with one Krishnaiya of Hadigi to pay for appeal expenses. After his release I asked the accused to redeem my jewels and he replied that he had no money. The accused told me I might borrow from Appannagauda. I went and asked the latter who promised to pay after a month. Timma went with me. I and Timma afterwards tried for money in different places and at last resolved to go to Mavinhalli Sahib. Timma promised to go there with me to obtain money from the Sahib and work out the advance. Timma used to purchase meat and drink for me to which the accused objected. They were constantly quarrelling in this respect. The accused asked me to desist from eating flesh, &c., and I refused. The accused blamed the deceased for procuring these things for me. On a Saturday night accused and Timma consulted together and proposed to go to Mavinhalli, Mudnapur and other villages for paddy. I was suffering from ague and fever. I slept and before I left my bed they left the house together next morning. I heard accused tell Timma to take "Kadakathi" so that they may go and fetch paddy. All day I was laid up suffering from fever and in the evening I saw the accused. I asked him where Timma was and he replied that I had better attend to my meals and Timma might be somewhere drinking. Timma did not return that night or the next day. Nothing was known of him till Tuesday afternoon. I then suspected and consulted a Mudaliar, Arrack Vendor, who is come here as a witness. He referred to a book (Astrology) and said that the man had not gone far away and might be coming soon. I returned home. Later on the same day Inspector came and called me out of the house. He showed me a cloth and I identified it as belonging to Timma. I told him what all had occured. He then went away. As I had fever I slept in my house two or three days afterwards I was sent for to Hanbal the Inspector showed me a handkerchief (red), a black cap, a towel, and a panche with silk border. I identified them as belonging to Timma. Subsequently before the Amildar a "kadakathi" was shown me and I identified it as Timma's. He worked with it in Sahib's garden. I don't know what became of Timma. The chintz (No. 1) cloth, which was a waist coat worn by Timma, was shown me the 1st day near my house. Handkerchief No. 2, cap No. 3, towel No. 4 and panche No. 5 were shown me at Hadige. They belong to Timma. I have seen him wear them constantly and so I could recognize. Kadakathi No. 6 also belongs to Timma.

Enquiry resumed. Accused re-examined. Confession before Mr. Bowring, 2nd Class Magistrate, Exhibit D put in.

Accused charged under Section 302 of Indian Penal Code. Accused has no witnesses to summon for the trial.

The accused is committed to stand his trial under Section 302 of I. P. C, before the Court of Sessions, Ashtagram Division.

29-5-97. B. G. KRISHNAIENGAR,
District Magistrate.

Witnesses to be bound over to appear before the Sessions Court as also Sub-Assistant Surgeon.

K. I.

Grounds of Commitment.—This is a clear case of murder. The accused has not only made a clear confession before Mr. Bowring, 2nd Class Magistrate, he has also confirmed the statement before me in every detail. According to the accused's own statement and the evidence recorded it would appear that the accused and the deceased Timma came in contact with each other some three or four months ago. Their friendship increased owing to their being jointly incarcerated in a kidnapping case at Mudgere. After their acquittal by the Kadur District Magistrate they came to live together at Hadage with the accused's concubine one Nilamma, 1st witness for prosecution. To procure their release Nilamma seems to have spent some money borrowed by pledging her jewels. Nilamma asked them to redeem her jewels, accused was somewhat callous but Timma promised to help her in raising the necessary funds. In this connection he and Nilamma absented themselves for days from home. This and other causes roused accused's suspicion and this led to a quarrel. According to accused's statement Nilamma and the deceased Timma conspired to put him out of the way. They were seen by the accused on the same bed shortly before the murder and they had also a quarrel. The accused and Timma left their house together early on the morning of Sunday 16th instant to fetch some paddy from some neighbouring village. Timma did not again return home but the accused came back at about 10 A. M. On Monday the corpse was found near Chitnahalla. On Tuesday Police arrived on the spot and the body was examined. As the face was mutilated accused and others present could only identify it as that of Timma by the jacket, &c., he wore. The accused was at first returned, but afterwards said that the body looked like that of Timma. After *post mortem* examination the body was buried. On further investigation the accused's connection with the deceased and the fact of their having left the house for paddy on Sunday was brought out. Subsequent to this accused pointed out some of the clothes worn by the deceased and thrown by him into a bush in a jungle adjoining Chitnahalla. He afterwards made a clear confession to which he still sticks.

I see no reason to doubt the accused's confession and the circumstances proved go to show that the deed could not have been committed by any others.

The accused Siddlingappa *alias* Bhujmallaiya is accordingly directed to be tried by the Sessions Judge, Astagram Division, under Section 302 of Indian Penal Code.

29-5-97. B. G. KRISHNA IYENGAR,
District Magistrate.

Before I was kept by the accused I was in the keeping of one Krishna Naik. He induced me. After sometime he gave me up and married. He lives at Kundur. About fifteen or twenty days before the Sunday on which accused left the house with Timma, Appanna, Krishnaiya's brother-in-law, told me that the accused had complained to him that I had done with him as I had done with Krishna Naik. I questioned the accused in this matter in the presence of Timma and others. The accused denied the fact. Timma blamed the accused for doing this and claimed from him his wages for the time he was with the accused at Chikmagalur, &c. There was consequently a quarrel between the accused and Timma. I had proposed to go with Timma to Movinhalli Sahib on Monday the day after the Sunday on which the accused took him to fetch paddy. I hear that Timma has been murdered but I am not aware of the fact. I was absent from home with Timma for about three days at Kargod, where we went to ask Appannagauda for money. The accused was sharpening the kadakathi No. 6 on Monday morning after he returned home alone and went with it to Movinhalli Sahib's estate. I proposed to go and live at Movinhalli with Timma as the accused pleaded his inability to redeem my jewels.

I was introduced to meat and drink by the accused. When in keeping of Pallegar Krishna Naik, accused knew the fact well.

Read out and admitted to be correct.

B. G. KRISHNAIYENGAR,
District Magistrate.

28-5-97.

Case No. 11 of 1896-97.

Deposition of Akkamma, 2nd witness for prosecution.

Age—50 years.

Race } Hindu Lingayet.
Religion }

Father's name—Nanjunda Setti.

Resident of—Hadige.

Occupation—Cooly—Solemnly affirmed.

I know the accused Siddlingappa. He was living with the last witness Nilamma in a house close to mine at Hadige. We lived in the same house but in different compartments. They have been living there for the last four or five months. There was a kidnapping case against the accused and others. Accused Siddlingappa, one Timma and another Khasim Sab were incarcerated in it. I was also impulated in it. Since their release Timma came to him with the accused and Nilamma. They lived on good terms with each other so far as I could see. On a Saturday night the accused and Timma consulted together and settled to go to Movinahalli to fetch paddy next morning. On Sunday morning when it was still dark I heard accused say to Timma to take his kadakathi to go for paddy. They went away. Accused alone returned at about 10 A.M. and I aked him where Timma was. The accused replied that he had not gone with Timma but had been to Hanbal. Timma did not return in the evening also neither did he turn up on Monday but on Tuesday at about noon the Inspector came up to the house with the accused who had gone out that morning for work. I was in Venkatachella Setti's estate and was sent for. The Inspector showed me the chintz No. 1 with the gunny bag before the Court No. 7. I identified them as belonging to Timma. Inspector asked me where Timma was and I said I had not seen him for the last two or three days. The next day or the day after, a handkerchief No. 2 cap, towel and panche No. 3, 4 and 5 respectively were shown me. I identified them as belonging to Timma. About a fortnight before the Saturday the accused and Timma had a quarrel the latter demanding his

wages and the former repudiating the claim. Subsequent to this Nilamma was absent at Kargod for three days with Timma. The accused complained to me of this. He said that it was unbecoming on the part of Nilamma to have gone away with Timma. I replied that as he had not redeemed her jewels there was no help for it. She had to act for herself. The accused was said to have complained of Nilamma's conduct to one Appaswami and on this account she a d accused quarreled. Timma proposed to go to Movinahalli on Monday with Nilamma. Timma is said to be murdered but I did not see the body. The kadakathi No. 6 before the court belongs to Timma. Even after Timma disappeared the accused had it with him. On Monday morning he sharpened it and took it with him for work. On Sunday at 10 A.M. he came with a wet cloth in his hand. He usually went to bathe in the morning and so I did not consider it of much consequence.

By the Court.—The accused has no questions. The accused is named also Bhujamallappa.

Read out and admitted to be correct.

B. G. KRISHNAIENGAR,
District Magistrate.

28—5—97.

Case. No. 11 of 1896-97.

Deposition of Bukla, 3rd witness for prosecution.

Age—25 years.

Race } Hindu Billoru.
Religion }

Father's name—Umanna.

Resident of—Udipi in South Canara.

Occupation—cooly—Solemnly affirmed.

On Sunday last but one I was in front of my cooly hut I saw accused Siddalingappa and Timma pass by my house at about day-break. They went along the foot-path. I did not speak to them. I did not see Timma again. Timma was living with the accused for the last three months. Timma had a gunny bag in his hand and the accused a kadakathi. I can't identify them. On Tuesday Police Inspector came there and made enquiries.

Accused has no questions.

Read out and admitted to be correct.

B. G. KRISHNAIENGAR.
District Magistrate.

28-5-97.

Case No. 11 of 1896-97

Deposition of Babu, 4th witness for prosecution.

Age—35 years.

Race } Hindu Belloru.
Religion }

Father's name—Kitta.

Resident of—Hadige.

Occupation—Cooly—Solemnly affirmed.

I am a native of Udipi in South Canara. I am a coffee cooly. I knew Timma and I also know accused Siddalingppa. They were both coming to work in coffee estate. On Sunday last but one the accused came to my hut and asked me if coolies were paid. This was about 10 A.M. I replied that pay had not been made yet. His legs and cloth were solid with mud. He said he had come from Hadige in a wet field.

Accused has no questions.

Read out and admitted to be correct.

B. G. KRISHNAIENGAR.
District Magistrate.

28-5-97.

Case No. 11 of 1896-97.

Deposition of Khadar Sab, 5th witness for prosecution.

Age—25 years.

Race } Musalman.
Religion }

Father's name—Umarkhan.

Resident of—Hadigepete.

Occupation—Petty dealer—Solemnly affirmed.

On Sunday last but one at about 9 or 10 A.M. I was coming from my coffee garden at Hosakeri. I met the accused coming on the foot path leading to Jambardi. I know Chitnahalla the place where I met the accused is more than a mile from Chitnahalla. The accused said that he went to some village. He did not name the village. He went towards Hadige estate.

Accused has no questions,

Read out and admitted to be correct.

B. G. KRISHNAIENGAR.

28-5-97.

Case No. 11 of 1896-97.

Deposition of Murigesam Mudaliar, 6th witness for prosecution.

Age—53 years.

Race } Hindu Mudaliar.
Religion }

Father's name—Muthusami Mudaliar.

Resident of—Hadige.

Occupation—Arrack Vendor—Solemnly affirmed.

I know the accused before the court though I don't know his name. He lives in a house close to mine at Hadige. I know 1st witness Nilamma. People consult me in matters of astrology. I have got a "Tulu" book which is consulted on such occasions. Nilamma said that one Timma had left her house three days before and had not returned. She asked me to consult the book about his return. She was told to open a page with a stick and she did so. As the contents were favorable I said he might return in the course of the day or information about him may be known. This was on a Tuesday ten days ago. Later on the same day police came there to make enquiries of Timma. Nilamma shed tears.

Accused has no questions.

Read out and admitted to be correct.

B. G. KRISHNAIENGAR.

28-5-97.

Case No. 11 of 1896-97.

Deposition of Basavegauda, 7th witness for prosecution.

Age—30 years.

Race } Hindu Lingayat.
Religion }

Father's name—Channabasvegauda.

Resident of—Aglahatti.

Occupation—Patel—Solemnly affirmed.

Movinahalli Patel sent word to me on the night of Monday last but one that a corpse was lying in Mustari Nunjegauda's "Muvathu Kolagada gudde." I immediately repaid to the spot with four kuluvadies. After seeing the body I had a report written to the Police Station at Hanbal. Exhibit A is my report. Dufadar came early next morning Amildar, Inspector and Doctor came at about 7 A.M. The surrounding villagers were sent for, corpse examined and *post mortem* examination held. It was not then identified clearly but the accused who was also there said that it looked like one Timma. There were no women present. I did not write the report. I got it written by Mullegauda. I don't know the date of the month. He seems to have put a wrong date in the report. I have signed the mahazar or inquest report B. There were marks of blood as far as Chitnahalla. The corpse had been dragged and there were profuse marks of blood on the field.

Accused has no questions.

Read out and admitted to be correct.

28-5-97. B. G. KRISHNAIENGAR.

Case No. 11 of 1896-97.

Deposition of John Ball, 8th witness for prosecution;

Age—33 years.

Race } Eurasian, Protestant Christian.
Religion }

Father's name—Mr. J. C. Ball.

Resident of—Saklespur.

Occupation—Inspector—Solemnly affirmed.

On the morning of the 18th instant at 6 A.M. I received Agalahatti patel's report exhibit A, reporting the discovery of a corpse in the limits of his village. I informed the head of police, went with him and the Sub-Assistant Surgeon to the spot which I reached 9 or 10 A.M. I found the body of a man aged about 35 years in a field with numerous wounds on the head and shoulders. It had blood-profusely. The villagers of Agalahatti, Mudnapur Mavinahalli, &c., had collected. On making enquiries, I was informed that one Timma of Hadige was missing from the previous Sunday. I was also informed that Timma was living with the accused Siddalinga *alias* Bhujamallappa. I sent for the accused who was working in Mavinahalli estate. He looked at the body and said he could not recognize it. I then sent for other coolies of the same estate. They said the clothes looked like that of Timma. There was a Toiti on the arm of the deceased (No. 8.) As the face was mutilated they could not recognize his features. I then again questioned the accused who said that the clothes jooked like Timma's. A mahazar exhibit B was drawn up and the body given over for *post mortem* examination. After the examination it was buried in my presence Thence I went to Hadige, questioned accused's concubine Nilamma and one Akkamma and others. I then arrested the accused and went with him to Hanbal. Next day I examined other witnesses. The accused was placed before Mr. Bowring for remand. On 22nd instant the accused stated that the deceased Timma's clothes were hidden in a bamboo bush near Chitnahalla. I proceeded to the spot with panchayatdars and found the clothes rolled up and hidden in the bush. This was at about 100 yards or more from the place where murder was committed. The jungle here was thick and over grown with bamboos, Articles Nos. 2, 3, 4 and 5, handkerchief, cap, towel and panche, respectively, before the court were found in the bundle. These were also subsequently recognized as belonging to Timma by Nilamma and Akkamma. At the discovery mahazar C was drawn up. The chopper No. 6 was produced by the Hasan Sab as being left with him by the accused. On the 25th the accused confeessed having murdered Timma and his confessional statement was recorded by the Magistrate Mr. Bowring. Chintz coat or jacket No. 1 was recognized by Nilamma and Akkamma and gunny bag No. 7 by Akkamma.

The accused has no questions.

Read out and admitted to be correct.

B. G. KRISHNAIENGAR.

28-5-97

Case No. 11 of 1896-97.

Deposition of Hasan Sab, 9th witness for prosecution.

Age—55 years.

Race } Musalman.
Religion }

Father's name—Muhammad Sab.

Resident of—Hadige.

Occupation—Agriculture—Solemnly affirmed.

I am a cooly-mestri. I know Timma who lived with the accused. I did not see him on Monday and so I enquired of the accused where Timma was. He replied that Timma had gone to fetch paddy and had not yet returned. Timma used to attend to manuring and as he was absent I set the accused for that work and gave his chopper No. 6 to another cooly. The chopper belongs to Timma. Inspector asked me for it and I handed it over to him. I saw the corpse. Its face was mutilated but by the waist coat worn by him and other circumstances I concluded the body was that of Timma. No. 1 is the waist coat chintz. The red handkerchief No. 2 looks like the one Timma used to wear. I have signed mahazar exhibit B.

Accused has no questions.

Read out and admitted to be correct.

28-5-97. B. G. KRISHNAIENGAR.

Case No. 11 of 1896-97.

Deposition of Francis, 10th witness for prosecution.

Age—38 years.

Race } Roman Catholic, Christian Native.
Religion }

Father's name—Mude Latchma.

Resident of—Mavinhalli.

Occupation—Coffee cooly—Solemnly affirmed.

I know one Timma who was living with the accused. He used to work with the accused and myself in Hadige estate. He is now dead. His body was found in Chitnahalla. I saw it. Its face was mutilated but by the Taiti No. 8 and coat No. 1 found on the body I identified the body as his. The chopper No. 6 before the Court belongs to Timma. I was sent for to the place by the police.

Accused has no questions.

Read out and admitted to be correct.

28-5-97. B. G. KRISHNAIENGAR.

Case No. 11 of 1896-97.

Deposition of Kala, 11th witness for prosecution.

Age—25 years.

Race } Hindu Wakkaliga.
Religion }

Father's name—Nanjegauda.

Resident of—Saklespur.

Occupation—Revenue peon—Solemnly affirmed.

As Mr. Bowring wanted to inspect some coffee estates shekdar and others went with him. I accompanied the party on 16th Sunday morning. Mr. Bowring inspected a few estates and on our way to Kyamanahalli I met near Chitnahalla the accused at about 8 or 8-30 A.M. I questioned the accused of what village he was and he replied he belonged to Hadige. I went away.

Accused has no questions.

Read out and admitted to be correct.

28-5-97 B. G. KRISHNAIENGAR.

Case No. 11 of 1896-97.

Deposition of Mallegauda, 12th witness for prosecution.

Age—30 years.

Race } Hindu Wakkaliga.
Religion }

Father's name—Siddegauda.

Resident of—Hettur.

Occupation—Coffee planter—Solemnly affirmed.

On Tuesday last but one I was going to Saklespur. Amildar, Inspector and others were near Mustari Nanjegauda's field at Agalahatti. There was a corpse of a man and I was asked to be a panchayatdar. I saw the body and it had on it many wounds. A mahazar exhibit B was drawn up and I signed it. Four or five days afterwards on my way back from Mavinhalli I met Police Inspector coming with the accused near Chitnahalla close to Kommankere. Accused offered to show clothes belonging to deceased Timma. He pointed out a bundle of clothes in a bamboo bush. The handkerchief, cap, towel and panche Nos. 2, 3, 4 and 5 before the court were those pointed out by the accused. No. 1 was on the corpse. A mahazar was drawn up. Exhibit C is the same and I have signed it. On the 1st day when the accused was questioned he said that he could not recognize the body by the face which was mutilated but the body looked like that of Timma. The panchayats concluded it was a murder.

Accused has no questions.

Read out and admitted to be correct.

28-5-97. B. G. KRISHNAIENGAR.

Case No. 11 of 1896-97

Deposition of Mustari Appannagauda, 13th witness for prosecution.

Age—30 years.

Race } Hindu Lingayat.
Religion }

Father's name—Ramegauda.

Resident of—Mustari.

Occupation—Land owner—Solemnly affirmed.

The accused having promised to show some clothes belonging to one deceased Timma near Chitnahalla, I accompanied him and the police to the spot. In a bamboo bush the accused pointed out a cloth bundle. It was removed and examined. The handkerchief, cap, towel and panche before the court were in the bundle and said to belong to Timma. A mahazar C was drawn up and I have signed it.

Accused has no questions.

Read out and admitted to be correct.

28-5-97. B. G. KRISHNAIENGAR.

Complainant.	*Versus.*	Accused.
Government.		Siddlingappa, *alias* Bhujamallaiya.

I. Mr. B. G. Krishnaiengar, District Magistrate of Hassan, hereby charge you Siddalingappa *alias* Bhujamallaiya, as follows:—

That you on or about the 16th day of May 1897 at a field called Muvattu-kolagadagadde belonging to Agalahatti village did commit culpable homicide amounting to murder by causing the death of one Timma doing an act with the intention of causing the death of a human being, namely, the said Timma, and thereby committed an offence punishable under Section 302 of the Indian Penal Code, and within cognizance of the Court of Session.

And I hereby direct that you be tried by the Court of Sessions on the said charge.

Dated the day May 1897.

B. G. KRISHNAIENGAR,
District Magistrate, Hassan.

IN THE SESSIONS COURT OF ASHTAGRAM DIVISION.

Session Case No. 10 of 1896-97.

Accused—Siddalingappa *alias* Bhujamallaiya.

Age—26 years.

Race } Jaina.
Religion }

Father's name—Rayappa.

Resident of—Hadige.

Occupation—Cooly.

Question.—Did you hear the charge read over to you? Is it true that you have committed the offence of murder as specified therein?

Answer.—I have heard the charge. It is true that I have committed the offence mentioned therein.

Q.—Did you give the admission statement (marked A) read over to you, in the Lower Court?

A.—Yes.

Q.—Did you give the statement (B) now read over to you, in the presence of Mr. Bowring, the Sub-Divisional Magistrate of Saklespur?

A.—Yes.

Q.—Do you show any cause why sentence of death should not be passed upon you?

A.—I show cause. On the day on which I cut off and killed the deceased Timma with the chopper, the said Timma struck me once with the same chopper. Therefore I struck him under provocation. As this fact did not come to my memory, I did not say this either in the Lower Court or before Mr. Bowring. Therefore, sentence of death shall not be passed on me.

(Signed) SIDDALINGAPPA.

(Certified.)

14th June 1897.

B. TIRUMALACHARI,
Sessions Judge.

EXHIBIT A

IN THE COURT OF THE DISTRICT MAGISTRATE HASSAN DISTRICT

Criminal Case No. 11 of 1896-97.

Accused—Siddalingappa-*alias* Bhujamallaiya, son of Rayappa.
Age—26 years
Race
Religion. } Jaina.
Father's name—Rayappa.
Resident of Hadige
Occupation—Cooly.

Q.—You have heard what the witnesses deposed at present. If you have got anything to say, you may say it. Your own statement will be used against you. If you like, say.

A.—It is eight years since I left Hubli. I lived six years at Nittur, Gubbi taluk. I lived two years at Holegorur. In the month of last Bhadrapada the 1st witness Nilamma and I became friends. On Tuesday, 30th M. D. of Bhadrapada I brought her from the garden of Tharagode Appanna to Gorur. Before this, Krishna Urs living at Kittur, had kept her. I had heard that he had left her five or six months back. I lived since at Gorur for a month or month and a half. Within that time I learnt all about her. I brought her father also, I heard that she used to eat and drink also. People said that she was not in that habit. On 2nd or 3rd M. I. of Asvija, I took her to Nitur. My father-in-law, and my parents abused me then Nili said to me then "I do not spoil you. Any how I will protect you." So saying she brought me. We came to Gorur. Her father had died by that time. As there was a pestilence prevailing there I went thence with Nili to Hadige. I was working in the garden of Venkatachallaiya. One Basavanhalli Timma was working at the same Hadige, Achannahalli and othr places. On 14th or 15th March he and I became friends. On the 18th, Timma, Akkamma, Nili and I (all these four) went to the fair at Magge. We finished our business there and came back to the village on Saturday, four days afterwards. I remained at home on Sunday. On Monday, Tuesday and Wednesday we worked in Venkatachallaiya's garden. On Thursday the 28th of the same month, we five, *viz.*, Hasan Sab's son Kasim Sab, Timma, Akkamma, my wife Nili and I went to the fair of Gonibidu. After the fair was over, we came near "Yennehalla." By the time we came there, Malla who lives in the house of Shanbhog Agrahara Rayaru Gundappa of the same Gonibidu and his wife Sakani were near the "Halla." We came there. They and we together went four marus further. In the meanwhile, Sitaramaiya, Ramanna and Gundappa with four holeyars came there and took us to Gonibidu, stating that were enticing away Malla and his wife. The dafadar got a mahazar prepared there and sent us to Mudgere. In the Amildar's Court, Kasim Sab, Timma and I were sentenced to rigorous imprisonment. In the Deputy Commissioner's Court of Basavanhalli we were released on appeal. Akkamma and Nili were released at Mudgere only. From there we three came to Hadige. From that time Timma was taking his meals with us only. He used to give us one "kollga" of paddy and one rupee a month for salt and chillies. Timma, Nili and I were working in Venkatchallaiya's garden, 15 or 20 days afterwards I told Timma not to be in my house. He asked me why. I said to him "In this way you eat and drink too much and moreover, you smoke "bhangi," therefore you should not stay in my house." He said that he would arrange another house in seven or eight days. I became quiet. Five or six days afterwards I received a demand to pay up the costs of Basavanhalli Court. I wrote a letter and sent my wife Nili with Timma to Appannagauda of Karagode, they returned in three or four days. I felt suspicious of their conduct. And Timma still more addicted to eating, drinking and smoking bhangi. I strictly told him that he should not remain in my house. In reply, Timma said "you owe me money for my wages. Unless you pay up the same I do not go" I said that I did not owe him anything and that he should never remain me in my house. Muhmamadkhan and Akkamma said to me "until you see with your own eyes, why do you fall out in this way." Thereupon I kept quiet. Eight or ten days afterwards, the ceremony of distributing pan-supari" came on in the house of Hayath Sab in the same village. I went there at 9 in the night. There was some delay. I came home. When I looked (into the house) from outside, I saw Timma and my wife Nili talking together sitting on the same bed. I saw this and came back to Hayath Sab's house. Again at 10

or 10-30 I went home. They both were lying on the same bed, I saw it and became quiet, next day after we finished our work, we three came home. At 6 or 7 o'clock, I strictly told Timma that he should not remain in my house. My wife Nili came to quarrel with me, she said "you both should not be in the house, go away." I thought that both of them were unanimous and became quiet. About one month ago we three used to go (to work) in the garden at Mavinahalli. We took an advance of Rs. 12 at Rs. 4 each and went to work.

At about 1 or 2 P.M., on Sunday the 2nd instant I had gone to Venkatachallaiyas' bangalo to receive salary. At the time when I came after bringing my salary, Timma was sitting inside the house, and was saying to my wife Nili thus :—"We must go to live in Mavinahalli. He must be driven out. If he does not go, we must do him something and destroy (ಮೂಲದ ಹಾಕು) him." I heard these words. Thinking this fellow (son of a harlot) would deceive me one day or other, I kept quiet. On Friday the 14th instant at about 5—5-30 P.M., he called me to go with him for firewood. I told him I would come and went behind him. He was going in front. He had kept something under his arm. I did not see it. He went four 'marus' distance in front. Then I saw the chopper (Kadakathi) under his arm. "Yesterday he had talked in the above-said manner. Now he is taking me." So thinking I suspected the fellow; and returned home. On 15th Saturday (we) three worked in Mavinahalli and came home at 5-30—6 P.M. Half an hour or one hour after, Timma told me to go to Mavinahalli for paddy as he had settled. "All right" I said. At 4 A.M. we rose. I told Timma to take 'Bhangi." Timma told me to take the chopper to bring a jack fruit. I said "it is with you. You take it." He took the chopper and put a bag over his shoulder and started in front. I asked him how much money he had. He told me "two annas." I told him I had one rupee. Timma said "let us pay off the old debt and borrow afterwards" He always, used to bring paddy. We went from our place, passing before Bykala house, then Venkatachalaiya's garden, then ragikana (threshing floor) and approached Bettanahalli. There he sat doing 'Bhangi.' I was washing my face. Both of us washed our faces and sat near bamboo sticks in the paddy field. After smoking 'Bhangi' and 'Ganja', he gave the pipe to my hand. I struck a match and kindled it and smoked. I then gave it to Timma. He sat smoking. He placed the chopper he had in his hand, in front. I took it and gave him a strike with it. Up he sprang and fell down on the paddy field. He then said "Siddappa, why do you strike me?" I said, "I brought you to my house and fed you. But you wanted to separate my wife and keep her in Mavinahalli garden. The day-before-yesterday you took me to 'Yalikaganalige' and wanted to kill me. You both in collusion want to deceive me!" So saying in anger I gave him 4—5 strikes, saying "you have lost my honor." One blow fell on the shoulder. His life was gone thereby; and to the place where the corpse had laid 'Rasi' (heap) was put. I washed my hands and feet in halla (pit) and was standing on it. A revenue peon was going from Mavinahalli side to the side of Madanapur. He asked, "which place (do you belong)?" I said, "Hadigepatte." He then went away. I put Timma's clothes in bamboo sticks and hid the chopper in the mud of Mavinahalli paddy field. I then went home. I remained in the village the whole of that day. On Monday the next day I brought the chopper and sharpened it and took it to the garden for work. Dafadar Hussen Sab told me to collect manure for Hennalli. I was collecting manure. The dafadar Hussen Sab saying "the coolies have less work," took away the chopper. The same chopper is before the court. It was by means of this, that I killed Timma. I did so in anger, thinking that I lost my honor among all and also my caste owing to Nili and that this work was done by Timma. They may inflict whatever punishment.

(Signed) Rayappa's son Siddalinga.

(Signed) B. G. KRISHNAIENGAR,
District Magistrate.

(Certified).
(Signed) B. G. KRISHNAIENGAR,
District Magistrate.

28*th May* 1897.

Accused Siddalingappa's *alias* Bujamallaiya's statement.

29*th May* 1897.

Q. I read over to you the admission statement marked D, made by you before Mr. Jorrins the Assistant Commissioner and 2nd Class Magistrate of Manjarabad taluk. Listen to it. Did you cause this to be taken down? And have you got to say anything regarding the same?

A. The statement that was read out to me, I made before Mr. Jorrins, whatever took place has been stated. There is nothing more to say.

Q. The charge is read out to you to the effect that you on the morning of the 16th instant struck Timma with a chopper and caused his death and thereby committed an offence punishable under Section 302 Indian Penal Code. And it is hereby ordered that you be tried for the said offence by the Sessions Judge of Ashtagram Division. Have you got any witnesses to defend you in the said court and to be examined? If you have, mention their names, we issue summonses to them.

10 *A.* I have no witnesses on my behalf.

(Signed) Rayappa's son Siddalingappa.

B. G. KRISHNAIENGAR,
District Magistrate.

Certified)

(Signed) B. G. KRISHNAIENGAR,
District Magistrat.

EXHIBIT B.

IN THE COURT OF THE ASSISTANT COMMISSIONER AND 2ND CLASS MAGISTRATE, MANJARABAD.
25—5—97.

Accused Siddalingappa
Father's name—Rayappa
Age—26 years.
Resident of—Lakshmeshwara, Dharwar district.
Occupation—Cooly and seller of bangles.

Q. Have you got anything to say ?

A. I shall say everything.

Q. What do you say ?

I left Lakshmeshwara eight years ago. Then, I lived at Nittur, in the Tumkur district. Then, I lived at Holegorur, in the Hassan district. I lived there for two years. About five or six months ago. I left that place and came to Hadige Hadige belongs to Manjarabad taluk. I came there to work as a cooly. When I was at Gorur, one Krishna was keeping a woman called Nili. I am keeping her even now. In the month of *Bhadrapada* she and I became friends. She and I came to Hadige about six or seven months ago. I was doing work there, in the garden of Venkatachalaiya. One Basavanahalli Timma was doing cooly work at Hadige and at Acharadi. He and I became friends in the month of January. As some balance was due to a Labbay at Magge fair, Nilamma, Timma, Akkamma and I went there together. This was 10 or 12 days after he and I became friends We returned from that place to Hadige within four or five days. All four of us worked for four days in Venkatachalaiya's garden. On Thursday the 28th January last, Hasansabi's son Khasimsabi Nilamma, Timma and Akkamma and I went to Gonibidu fair. On our way back we came to a place called Yennehalla, which is near to and on this side of Gonibidu Agrahar. When we came there, Kadur. Siaramaiya, Shamanna, Gundappa and some Holeyars came and took us to Gonibdu. Thence, they took us to Mudgere. This was done on the plea that I was taking away Malla and his wife Sakani from that village.

In the Amildar's Court Timma, Khasimsabi and I were sentenced to two months hard labour. Akkamma, and Nilamma were discharged. Vakil Muhammad Alli Saheb filed an appeal on our behalf, to the District Magistrate. On appeal we were all released. That is to say, on or about the 5th or 6th of April we three of us returned to Hadige. The man Timma, since his arrival, was messing with me. On account of that expense, he was giving me monthly three kotla's of paddy and one rupee. All three of us were working in Venkatachalaiy's garden. About 20 days after I told Timma to get another house (for himself.) He said he would do it after another eight days. I sent my wife Nilamma and Timma to bring money, from Karagodu Appannagauda, to pay off the debt, incurred on account of the Court costs at Mudgere, no, at Kadur and on account of the payment made to the Vakil. Because, I was first working under him (Appannagauda). They returned from that place in three or four days. Four or five days after seeing their behaviour, I felt suspicions about their conduct. Therefore, I told Timma not to remain in my house. He asked me why I said so. I said that he should not remain (with me), because he was drinking much and was smoking ganja! He said he would not go till I paid him the money I owed him. Akkamma and Muhammadsabi told me that I should not quarrel with him, till I saw (it) with my own eyes. Therefore, I remained quiet. Eight days after, the ceremony of Villesastra was being done in the house of Hayatsabi. I had gone there at 9 o'clock, that night. When I returned at 10 o'clock, I saw Timma and my wife sleeping in one and the same bed. Then I remained quiet. The next evening I told Timma not to remain in my house. On that, my wife began to quarrel with me. She told both of us to leave the house.

Timma, I and my wife took an earnest-money from Mavinahalli garden dafadar Hasansabi, for this year at the rate of Rs 4 and went there to work. On a Sunday about 17 days ago, at about 1 P. M., I had been to Venkatachalaiya's garden to receive my balance of pay. Timma was telling my wife, that (they) should go and live at Mavinahalli. I heard these words, when I returned from the garden. I heard them talking about killing me. I remained

quiet. On a Friday, 12 days ago, Timma wanted me to go with him to bring fuel. I went with him. I saw a chopper under his arm. I asked him why he wanted to go to Yalakkihanalu at such a time of the day. Then it was 5 in the evening. Seeing the chopper, I returned home. The next Saturday, Timma, I and my wife returned home from the Mavinahalli estate, after finishing our work. The next morning Timma told me that we should go and bring paddy. I said it might be done. Next morning at about 4 o'clock, when Timma and I were about to start, I told Timma to take ganja. Timma told me to take the chopper to cut jack fruit. I told him that he himself might take it. He took one bag and one chopper. We went in front of Bytala's house and by the side of Venkatachalaiya's garden. At the Bettannahalli he sat down smoking, no preparing ganja and I sat washing the face. Then, both of us sat near a bamboo bush. Both sat together. He gave me the smoking pipe. He lighted a match. I smoked and then gave (it) to him. When taking the pipe, he put the chopper by his side. I took the chopper. With it I gave him a sloping cut on his head. By that, he jumped up and fell into the paddy field. He asked me why I beat him. I said, "the other day you were conspiring with my wife to take me to the Yalakkihanal and kill me there and then to take my wife and live at Mavinahalli." saying so, I became angry and gave him four or five blows. In the meantime, life became extinct. I dragged the corpse to the place where it was originally lying, left the Bettannahalla and stood on the other side. It may have been 6 or 7 o'clock in the morning, then. A revenue peon was going up the 'halla' a little while after. Further, some one was riding on horse-back; two others were going walking. The revenue peon asked me as to what place I belong; I said I belong to 'Hadige' estate; he went further off. While I was going to the house, after throwing the cloths of Timma in the place pointed out the day before yesterday, *i. e.*, (after throwing the same) under a bamboo bush, I concealed 'Kadakathi' (chopper) in the mud in 'Gudda' (wet land) and went away. All that day, I remained in the village; on the next day, *i. e.*, on Monday, I brought the chopper sharpened it and went on duty. Daffadar Hasan Sab said (to me) to cause the manure to be conveyed on the head of servants and to see that the same is supplied to plants. Hasan Sab said that he needed the chopper for servants to chop the tree; I gave (it to him). I did not take it back from him; it remained with him; it is Timma's; with which a cut was given. I lost my caste on account of her; she brought me from there and disgraced me; being enraged at this, I gave her a cut with the same chopper; I represented this fact to court.

Q. Do you know that your admission will be used against you at the time of your being examined?

A. I know that my admission will be used against me.

IN THE CHIEF COURT OF MYSORE AT BANGALORE,
CRIMINAL APPEAL No. 208 OF 1896-97.

In the Court of the Sessions Judge, Ashtagram Division.

Hassan Sessions Case No. 10 of 1896-97.

Siddalingayya *alias* Bhujamallaiya } Appellant (Accused).

Versus

The Government of Mysore—

The above named appellant begs to appeal to the Honorable Chief Court of Mysore against the conviction and sentence passed against him by the Sessions Judge, Ashtagram Division, at the Hassan Sessions on the following grounds:—

1. That the confession made by the appellant is not alone sufficient to inflict upon me the extreme penalty of the law without any other reliable evidence.

2. The latter portion of the appellant's statement, *viz.*—

"On the day on which I struck Thimma he beat me once by the same "Kadakathi" and I therefore struck him, &c.," indicates the right of private defence and not the confession of the guilt of the appellant.

3. That the appellant was fully assured by the police that he will be let off. and that therefore he recklessly made those statements as tutored by the police The appellant, therefore pray mercy of the Chief Court. as he is innocent and helpless.

(sd.) SIDDALINGAPPA *alias*
BHUJAMALLAIYA.

Draft. Urgent

Dewan

OFFICE OF THE GOVERNMENT OF MYSORE.

No 6011. Dated Bangalore, 25th Nov. 1897

From,

The General Secretary to the Government of Mysore.

To,

The Registrar of the Chief Court of Mysore.

S 2-47
C 3-97
Serial No. 2

Sir,

I am directed to forward herewith for information of the Judges of the Chief Court and for communication to the prisoner undergoing sentence of death in the Mysore Jail, copy of order passed by H.H. the Maharani Regent of Mysore, on the prisoner's memorial dated 6th September 18.97. received with your letter No. 2474 dated 11th October 18.97. 63

2. The entire records received with your letter No. aforesaid dated ~~189~~ are herewith returned.

I have the honor to be,

Sir,

Your most obedient servant,

General Secretary.

Draft